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Applicant:	Darrel L. Turner	Date:	July 30, 1998
Date Filed:	September 21, 1995	Docket No.:	FISHBAR-5
App. No.:	08/532,046	Art Unit:	3501
For:	High Hardness Boron Steel Rotary Blade	Examiner:	T. Melius

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David R.J. Stiennon, Reg. No. 33,212
Name of applicant, assignee or Registered Representative

SUPPLEMENTAL RESPONSE

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Applicant wishes to call to the attention of the Examiner pertinent portions of the applied reference cited by the Examiner in this case and to correct the remarks submitted July 23, 1997 in response to the Advisory Action dated June 23, 1997.

In the course of preparing a response in the divisional application (App. No. 08/899,198, filed July 23, 1997), it became apparent that *Trudeau*, applied as the primary reference by the Examiner, does discuss the use of boron steel raised by heat treating to a range of hardness which overlaps with the claimed range. *Trudeau* discloses a hydraulic concrete pile cutter having two opposed cutting plates, one of which is fixed and one of which is driven by two parallel actuators which drive the blade along a rectilinear path. Both blade

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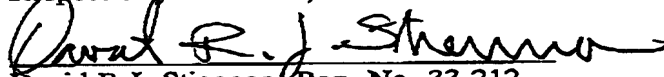
plates "are preferably boron steel 15B30 heat treated to Rockwell C hardness 43 to 50." Col. 12, lines 48-49. This section of the lengthy reference was not cited by the Examiner, and was not recognized in the prior response filed in this application.

Hence, certain of the remarks in the prior responses are not accurate. In particular, the statement that *Trudeau* "does not disclose forming the blade from boron steel," at p. 5 of the previous response is clearly erroneous, and applicant withdraws that comment. Nevertheless, it is submitted that the remainder of the remarks are still valid, and the claimed invention is patentable over the applied references.

Trudeau does not disclose a rotary cutting blade such as the claimed invention. The preambles of the claims present in this application are explicit that the method claimed is for forming a *rotary cutting blade*. This preamble breathes life and breath into the claims, and must be given weight in examining the claims. A guillotine or scissors type cutting mechanism is not the same as a rotary cutting blade. The declaration and affidavit filed in the previous response establish that the claimed method of forming a *rotary cutting blade* is not obvious, and meets a long felt need in the art. There is no suggestion in *Trudeau* that the material utilized for a guillotine blade would meet the particular needs of the rotary cutting blade industry.

Applicant submits that the claims, as amended, are in condition for allowance, and after consideration of the above revised argument, requests favorable action thereon.

Respectfully submitted,



David R.J. Stiennon, Reg. No. 33,212

Attorney for Applicant

Lathrop & Clark, P.O. Box 1507

Madison, Wisconsin 53701-1507

(608) 257-7766